



U.S. Department of Justice

United States Attorney
Northern District of New York

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November 24, 2009

Hon. Lawrence E. Kahn
Senior U.S. District Court Judge
James T. Foley Courthouse
445 Broadway
Albany, NY 12207

Re: United States v. Jeffrey C. Seifert
08-CR-620 (LEK)

United States v. J.C. Seifert & Company, Inc.
08-CR-621 (LEK)

Dear Judge Kahn:

Please accept this letter as the Government's application to modify the restitution orders issued in the above-captioned cases.

On October 16, 2008, both above-captioned defendants entered pleas of guilty before your Honor. The corporate defendant pled guilty to mail fraud in violation of 18 U.S.C. § 1341. The individual defendant pled guilty to embezzlement from a health care program in violation of 18 U.S.C. § 669. The case involved the defendants operating a fraudulent employee health care program. For the reasons set forth below, we respectfully request that the Court modify the restitution orders issued in these cases.

Both defendants were originally ordered to pay restitution of \$133,382.30. We request that this amount be reduced to \$123,936.45. This reduction is necessary because, despite diligent efforts on the part of our Victim Witness Unit, some of the individual victims cannot be sufficiently identified or located. As a result, if the original restitution amount is collected, we will be unable

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N.D. OF N.Y.
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to properly disburse it. Reducing the restitution amount will eliminate this possibility

Additionally, it is respectfully requested that MVP Health Plan be added to the victim list in both cases. In their plea agreements both defendants agreed to pay restitution to MVP Health Plan. It appears that MVP Health Plan was inadvertently omitted from the victim list although their losses are included in the \$133,382.30 original restitution amount ordered. This modification could be made pursuant to Federal Rule of Criminal Procedure 36.

I have been in contact with Timothy Bradl, Esq., who represented both defendants and he has indicated that he has no objection to this request since it will benefit the defendants.

Thank you for your attention and consideration in this regard.

Respectfully submitted,

Andrew T. Baxter
United States Attorney

Edward R. Broton

By: Edward R. Broton
Assistant U.S. Attorney

ERB/pdb

cc: Tim Bradl, Esq.
Ivy Schoff
Charles Bell, U.S. Probation

So ordered!
Mulvihill
11/30/09 *USAO*